

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

THOMAS RAY GURULE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM DECISION AND  
ORDER DENYING MOTION TO  
APPOINT COUNSEL**

Case No. 2:16-cv-00625-DN

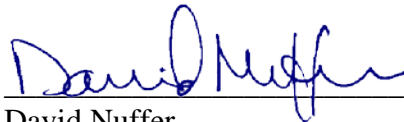
District Judge David Nuffer

Petitioner Thomas Ray Gurule seeks appointment of counsel to assist in preparing and presenting a motion to correct the sentence imposed in his underlying criminal case (criminal no. 2:04-cr-00209-DN-1).<sup>1</sup> Mr. Gurule's Motion is procedurally improper. Judgment was entered in this case on July 10, 2018,<sup>2</sup> which denied and dismissed Mr. Gurule's § 2255 Motion.<sup>3</sup> The Judgment was not appealed, and the case is closed.<sup>4</sup> Therefore,

IT IS HEREBY ORDERED that Mr. Gurule's Motion<sup>5</sup> is DENIED.

Signed September 26, 2018.

BY THE COURT



---

David Nuffer  
United States District Judge

---

<sup>1</sup> Request for Help in Appointment of Counsel ("Motion"), [docket no. 12](#), filed Sept. 17, 2018.

<sup>2</sup> Judgment in a Civil Case ("Judgment"), [docket no. 11](#), filed July 10, 2018.

<sup>3</sup> Motion Under 28 U.S.C. ¶ 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody ("§ 2255 Motion"), [docket no. 1](#), filed June 10, 2016.

<sup>4</sup> If Mr. Gurule desires the appointment of counsel to raise new claims regarding the propriety of his sentence, he must do so in a separate case.

<sup>5</sup> [Docket no. 12](#), filed Sept. 17, 2018.